

Appl. No. 10/623,897
Amdt. dated October 18, 2004
Amendment
Attorney Docket K-1768

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action dated September 8, 2004. Claims 1-17 remain in this application for examination. Favorable reconsideration of the application is respectfully requested.

1. Allowable Subject Matter

Applicant gratefully acknowledges the indication of allowability of Claims 1-11 and 14-17.

2. Rejection of Claims 12-13 under 35 U.S.C. 102(b)

Claims 12 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tsuda. The Office Action provides:

"Tsuda discloses all of the subject matter as set forth in the claims and is identical to the invention as broadly recited. Some of the claimed elements clearly disclosed by the reference are: a pocket (11) with a floor and walls positioned rearwardly from the front end of a body (9); wherein the pocket further includes a recess (not numbered)."

In order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Tsuda does not teach or suggest all the elements recited in the claims.

Tsuda appears to teach an indexable insert and holder. Specifically, a cutting insert (1) having a cutting edge (5) at the end of a stick shaped portion (7) projecting from a tool base. The insert is secured to a holder (9) within an insert pocket (11) of the holder. The insert taught by Tsuda has only one cutting portion (5). The pocket (11) of the toolholder taught by Tsuda is designed for holding such a one sided cutting insert.

The present invention as expressed in Claim 12 is for a toolholder having a pocket for supporting a cutting insert. The cutting insert to be held in the aforementioned toolholder is specifically defined as having "a pair of cutting portions having cutting tips extending from two diametrically opposing corners." The pocket of the toolholder includes a recess "of sufficient area to encompass one cutting tip of the insert when the insert is mounted within the pocket." Tsuda neither teaches nor suggests a tool holder having a pocket with a recess

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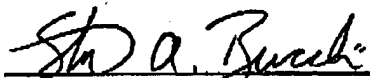
for holding an insert having two cutting tips of sufficient area to encompass one cutting tip of the insert. The recess in the pocket of the toolholder of Tsuda clearly is not of sufficient area to hold the front cutting edge (5).

For at least the aforementioned reasons, Claim 12 is allowable over Tsuda. As Claim 13 depends from Claim 12, Claim 13 should be allowed over Tsuda for the same reasons. Withdrawal of the rejection is respectfully requested.

As a final matter, if the Examiner has any suggestions concerning different claim phraseology that, in the opinion of the Examiner, more accurately defines the present invention, prior to issuance of another Office Action, Applicant's undersigned attorney requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicant's undersigned attorney may be contacted at (724) 539-5485.

In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice Of Allowance is respectfully requested.

Respectfully submitted,



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